

STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

RECEIVED
APR 14 2004

HARFORD COUNTY CLERK

Case No. 5425
Date Filed 4-13-04
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas For Office Use Only

Type of Application

☐ Administrative Decision/Interpretation☐ Special Exception☐ Use Variance☐ Change/Extension of Non-Conforming Use☐ Minor Area Variance☐ Area Variance☐ Variance from Requirements of the Code☐ Zoning Map/Drafting Correction

CASE 5425 MAP 62 TYPE Variance

ELECTION DISTRICT 1 LOCATION 3906 Spring Creek Ct., Abingdon, Md. 21009

BY Yolanda Parker (Patio Enclosures Inc., 224 8th Ave. NW, Glen Burnie, Md. 21061)

Appealed because a variance pursuant to Section 267-36B, Table VI of the Harford County Code
to allow a sunroom within the required 30 foot rear yard setback (23 foot proposed) in a R3/COS District
requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant - - - (please print or type)

Name Yolanda Parker Phone Number 410-679-1327

Address 3906 Spring Creek Ct. Abingdon, MD 21009
Street Number Street City State Zip Code

Property Owner same as applicant. Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative Patio Enclosures Inc... Phone Number 443-797-0351

Address 224 8th Ave NW Glen Burnie, MD 21061
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3906 Spring Creek Ct. Abingdon, MD 21009

Subdivision Harford Town Lot Number 399

Acreage/Lot Size 6,708 sf Election District 1 Zoning R-3/COS

Tax Map No. 62 Grid No. 2C Parcel 678 Water/Sewer: Private Public x/x

List ALL structures on property and current use: Single Family Dwelling

Estimated time requested to present case: 20 Min.

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No x

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes No x

Is this request within one (1) mile of any incorporated town limits? Yes No x

Request

Request a variance to allow the construction of a one story, aluminum framed

12' x 12' unheated glass and screen sun room on a new post and beam foundation

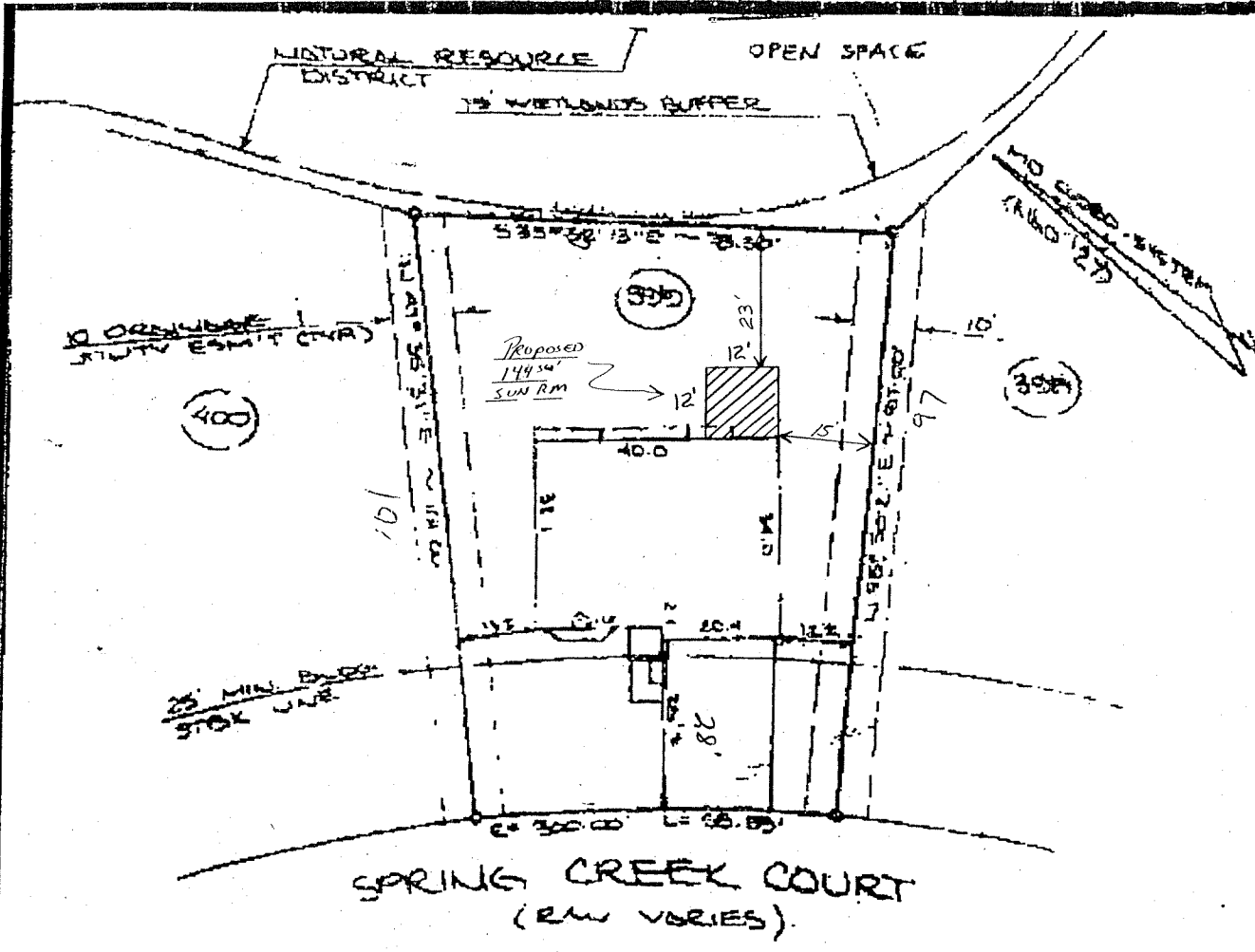
with a rear yard setback of 23' in lieu of the required 30' for an addition.

Justification

Diminished rear yard due to lot size

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval requested. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

May #450



PARKER # 31184
4/8/04



FLOOD NOTE:
THIS IS TO CERTIFY THAT THE LAND SHOWN
HEREON IS NOT WITHIN THE FLOOD ZONES
AS SHOWN ON THE FLOOD INSURANCE
RATE MAPS AS PUBLISHED MARCH 2, 1993

* SEE REVERSE FOR ADDITIONAL NOTES

MRA MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 139 N. Main Street, Suite 200 Bel Air, Maryland 21014 (410) 878-1880 - (410) 878-7580 Fax: (410) 878-1820	LOCATION: DRAWING LOT 399 FULL PLAT TWO - SECTION IV - PHASE I HARFORD TOWN FOLIO 88 FIRST ELECTION DISTRICT HARFORD COUNTY, MD FPL: NEWPORT HOMES				
	SCALE: 1" = 30'	DATE: 11-10-03	DRAWN BY: G.M.	DESIGN BY:	REVIEW BY: EFK

CLB 1 DEL. 03-04-1134 574712

BK# 13 PG# 02 UPDATED 1-5-08

LS

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



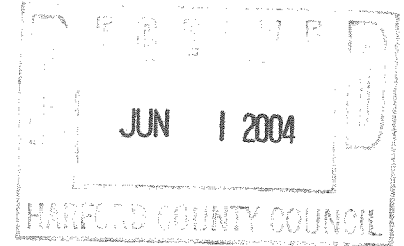
J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 28, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5425

APPLICANT/OWNER: Yolanda Parker
3906 Spring Creek Court, Abingdon, Maryland 21009

REPRESENTATIVE: Patio Enclosures, Inc.
224 8th Avenue NW, Glen Burnie, Maryland 21061

LOCATION: 3906 Spring Creek Court/Harford Town Subdivision
Tax Map: 62 / Grid: 2C / Parcel: 678 / Lot: 399
Election District: First (1)

ACREAGE: 6,708 square feet
0.15 of an acre

ZONING: R3/Urban Residence District/Conventional with Open Space
(R3/URD/COS)

DATE FILED: April 13, 2004

HEARING DATE: June 9, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Request a variance to allow the construction of a one story, aluminum framed 12'x12' unheated glass and screen sun room on a new post and beam foundation with a rear yard setback of 23' in lieu of the required 30' for an addition."

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

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Yolanda Parker

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Justification:

“Diminished rear yard due to lot size.”

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to allow a sunroom within the required 30-foot rear yard setback (23-feet proposed) in an R3/Urban Residential District/Conventional with Open Space Development.

Enclosed with the report is a copy of Section 267-36B, Table VI of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant’s property is located south of Philadelphia Road (MD Route 7) and east of Abingdon Road in the development of Harford Town. The subject lot is situated on the northeast side of Spring Creek Court. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 2 and 3).

This area of the County is located within the Development Envelope. Land use designations range from Low to High Intensities. The Natural Features Map reflects parks, Chesapeake Bay Critical Area, Maryland Environmental Trust Easements and tidal wetlands. The Applicant’s property is designated as Medium Intensity, which is defined by the 1996 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. Residential uses include single-family dwellings, townhouses, condominiums, a mobile home subdivision and mobile home park. Commercial uses are generally found to the west around the crossroads of Abingdon, to the east in the development of Riverside, and to the south along Pulaski Highway (MD Route 40). Enclosed with the report is a copy of the aerial photography (Attachment 6).

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The subject lot is located on the northeast side of Spring Creek Court. It is a rectangular shaped lot and is approximately 6,708 square feet in size. The lot is level from the road to the front of the house, then slopes sharply to the rear of the dwelling. The Applicant's lot backs up to a large area of open space containing dense woodland and Natural Resource District. Improvements consist of a frame two-story dwelling with an attached two-car garage, concrete driveway and a deck off the rear of the dwelling (There is no record of a permit in the system for the existing deck). Located in the rear yard is a trampoline. Enclosed with the report is a copy of the topography map for the area, an enlargement of the aerial photograph and site photographs (Attachments 7, 8, and 9).

Zoning:

The zoning classifications in the area conform to the intent of the 1996 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business, B2/Community Business, B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to allow a sunroom within the required 30-foot rear yard setback (23-feet proposed) in an R3/Urban Residential District/Conventional with Open Space Development.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. Due to the configuration of the Natural Resource District, the lot is one of the smallest lots in the neighborhood. The reduced setback will not adversely impact the open space area to the rear of the property or the adjacent lots. The size of the proposed addition (12-feet x 12-feet) is consistent with other additions in the area. The request if approved will not adversely impact the intent of the Code. The Applicant submitted letters from the adjoining property owners indicating they are aware of the request and have no objection (Attachments 12 and 13).

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

STAFF REPORT

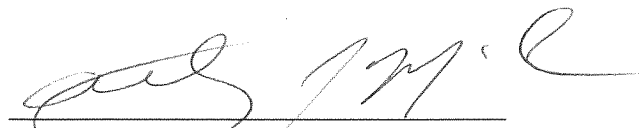
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1. The Applicant shall obtain all necessary permits and inspections for the construction of the sunroom.
2. The Applicant shall obtain all necessary permits and inspections for any area of the existing deck or steps which will remain.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka